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Attorneys for Defendants,  
IMARKETING CONSULTANTS, INC., *et al.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ASIS INTERNET SERVICES, a California  
corporation,

Plaintiff,

vs.

IMARKETING CONSULTANTS, INC., dba  
ULTRA-MX.COM, also dba SPEED  
NETWORK, also dba SPEED-MX.COM, and  
DOES ONE through FIFTY, inclusive,  
Defendant

Case No.: No. C 07-05357 CW

**AFFIDAVIT OF ROBERT CLOUSE**

STATE OF FLORIDA

COUNTY OF PALM BEACH

SS:

BEFORE ME this day, personally appeared Robert Clouse, who being duly sworn  
deposes and states:

1. I am over the age of eighteen years.

2. I am the CEO of Imarketing Consultant, Inc. ("Imarketing") and acted as  
CEO during the period relevant to the allegations made in the Complaint filed in the above-  
styled action.

4. This affidavit is being submitted in support of Defendants' Motion to  
Dismiss and Motion to Transfer Venue to Southern District of Florida.

1           5.     If called upon to testify in this matter, I would testify based on my  
2 personal knowledge as to the facts contained in this Affidavit.

3           6.     Imarketing is a Florida corporation with its principal place of business is  
4 in Palm Beach County, Florida 33445, which is in the Southern District of Florida.

5           7.     Imarketing is not doing business in California, has no employees or  
6 customers in California, does not advertise in California, owns no property in California, does  
7 not have an address or phone listing in California, and is not sending emails to anyone in  
8 California.  
9

10          8.     Imarketing's services have always been performed in Palm Beach County,  
11 Florida. Imarketing's past and current employees, who would have knowledge relevant to the  
12 above styled lawsuit are located in Florida and within the area covered by the Southern District  
13 of Florida. Imarketing's business records, information, and documentation related to the claims  
14 in dispute are located in Florida.  
15

16          9.     Imarketing has established and implemented, with due care, reasonable  
17 practices and procedures to effectively prevent violations of the CAN-SPAM Act. Any violation  
18 of the CAN-SPAM Act alleged in the Complaint, even if proven to be by Imarketing, occurred  
19 despite commercially reasonable efforts to maintain compliance with such practices and  
20 procedures.  
21

22                 FURTHER AFFIANT SAYETH NAUGHT.  
23

24                                 Robert Clouse  
25                                 Robert Clouse  
26

27                 BEFORE ME, the undersigned authority, this day personally appeared  
28 Robert Clouse, who, after being first duly sworn, deposes and states that he is the person who

1 acknowledged and swore before me that said Affidavit was truthful and complete to the best of  
2 his knowledge and ability.

3 WITNESS my hand and seal in the County and State last aforesaid this 21 day  
4 of December, 2007.

5 NOTARY PUBLIC-STATE OF FLORIDA  
6 Linda S. Dickison  
Commission #DD667574  
Expires: JUNE 15, 2011  
7 BONDED THRU ATLANTIC BONDING CO, INC.

Notary Signature 

Printed Name: Linda S. Dickison

8 My Commission Expires:

9 ☒ Personally Known to Me

10 ☐ Produced Identification

11 Type of Identification Produced: \_\_\_\_\_  
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